

## ARTICLE 4

### ADMINISTRATION AND ENFORCEMENT

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- 4-1 Zoning Administrator.** The provisions of the Ordinance shall be enforced by the designated agent of the Town of Warrenton, who shall be known as the Zoning Administrator.
- 4-2 Certified Copy.** A certified copy of the Zoning Ordinance, as adopted, shall be filed in the office of the Zoning Administrator of Warrenton and in the office of the Clerk of the Circuit Court of Fauquier County, Virginia.
- 4-3 Processing Fees.** It is the intent of the Town that at least part of the cost of administering this Ordinance be borne by those responsible for development; therefore, a fee schedule, as prescribed by the Town Council and modified from time to time, shall apply to all permits, reviews, and processing as required by this Ordinance.
- 4-3.1** Twelve (12) copies of the Preliminary Plat together with the preliminary street and utility plans shall be submitted by the subdivider to the Administrator at least thirty (30) days prior to the scheduled meeting of the Planning Commission.
- 4-4 Zoning Permits.** Zoning permits are available from the Zoning Administrator and are required prior to the issuance of any building permit. The Zoning Permit is intended to verify the present zoning classification of the subject property in order to establish the uses allowed by right, or through the issuance of a Special Use Permit, or the location of the property within a special overlay district, such as the Historic District.
- 4-5 Building Permits.** No building or structure shall be erected, reconstructed, structurally altered, enlarged, or moved, nor shall any land or building be used, until a Building Permit has been secured from the Zoning Administrator and Building Official. Upon completion of the work authorized by such permit, the applicant shall notify the Zoning Administrator and Building Official of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Administrator and Building Official have issued the Certificate of Occupancy, as provided in Section 4-7.
- 4-5.1 Flood Plain Permit.** Within the Flood Plain District a Flood Plain Permit for any development shall be required in addition to the Building Permit required in Section 4-5.

**4-6 Application for Building Permit, Processing Fees.** All applications for Building Permits shall be made in writing by the owner or authorized agent and shall be filed with the Zoning Administrator and Building Official. The application shall contain two (2) copies of a drawing along with the fee in the amount prescribed by Town Council. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land, and the right-of-way of any street or highway adjoining said parcel of land. Any other information which the Zoning Administrator may deem necessary to insure substantive compliance with the provisions of this Ordinance may be required for consideration of the application. One (1) copy of the drawing shall be returned to the applicant with the permit.

**4-6.1 Application for Flood Plain Permit.** All applications for Flood Plain Permits shall be made in writing by the owner or authorized agent and shall be filed with the Planning Director together with a copy of the required State and Federal permits. The Planning Director may require such information as deemed necessary to insure substantive compliance with the provisions of the Flood Plain District.

**4-7 Certificate of Occupancy.** Land may be used, and buildings occupied, structurally altered, erected, or changed in use for any purpose as permitted in the District in which such land or building is located, only after a Certificate of Occupancy has been issued by the Zoning Administrator. Such a certificate shall state that the building or the proposed use, or the use of the land, complies with the provisions of this Ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, or changing a nonconforming use. A Certificate of Occupancy either for the whole or a part of a building or the use of the land shall be applied for simultaneously with the application for a Building Permit. The certificate shall be issued within ten (10) days after final approval by the Building Official of the erection or structural alteration of such building or part which has conformed with the provisions of this Ordinance.

#### **4-8 Special Use Permits**

**4-8.1 Authorization.** The Town Council may grant special use permits under suitable regulations and safeguards for those uses listed as "Uses Permitted by a Special Use Permit" in the district regulations upon finding that the use will not be detrimental to the character and development of the adjacent land, and will reflect the spirit and intent of the Comprehensive Plan, as well as this Ordinance. Special use permits

granted by the Town Council are distinguished from special exceptions authorized to be granted by the Board of Zoning Appeals under Article 29.

A site plan, meeting the requirements of Article 27, must be submitted for review within one (1) year of Town Council approval of the Special Use Permit or the Permit shall be null and void. If the Permit is allowed to lapse, the property owner shall be required to reapply following the provisions of this Article.

**4-8.2 Application and Evaluation Criteria.** Application for a special use permit shall be filed on the appropriate form therefor as provided by the Planning Director and in accordance with the instructions which accompany the form. In acting on a request for a special use permit, the Town Council shall consider the impact of the requested special use on the Town and on the facilities and systems listed herein. The applicant shall provide all of the information, data, and studies needed to allow the Town Council and Planning Commission to reach conclusive evaluations. This may include, but not be limited to, the following:

- The compatibility of the proposed use with the existing and proposed land uses adjacent to the site, and any potential impact on the environment. The impact of the proposed use on the neighborhood due to the proposed uses intensity, number of participants, acreage and use must be demonstrated by applicant.
- A vicinity map depicting the adjacent land uses, streets and other data customarily incidental to a vicinity map.
- A proposed site development plan indicating the location of the anticipated structures, setback lines, street pattern, parking provisions, a screening plan, and common open space if applicable. Such plans shall be contained on sheets measuring a minimum of 18" X 24" and a maximum of 36" X 24".
- The impact on the Town's transportation network and the ability of adjacent streets and intersections to efficiently and safely move the volume of traffic generated by the development, along with estimates of cost and means of providing improvements required to service the proposed special use.
- The impact on the Town's community facilities including estimates of costs and means of providing the additional community facilities which will be needed to serve the proposed special use. Community facilities include, but

shall not be limited to, sewage disposal facilities and systems, solid waste disposal facilities and systems, water supply facilities and systems, storm drainage facilities and systems, and electrical utility facilities and systems.

- The ability of the Town to provide police and fire protection to the proposed special use.
- The proposed configuration and intensity of lighting facilities to be arranged in such a manner to protect the streets and neighboring properties from direct glare or hazardous interference.
- The following special design considerations may be required of special use permit applicants in all residential districts:
  - a. Screening. Any uses or structural features deemed to be incompatible with the objectives of this Article, the remainder of this Zoning Ordinance, or the Comprehensive Plan may be required to be permanently screened from adjoining uses by a wall, fence, plantings, and/or other enclosure. Other landscaping to enhance the effectiveness of the screening and to insure the compatibility of use may also be required.
  - b. Parking areas forward of the established building setback line will be prohibited. Screening and buffering of all parking areas will be required in accordance with a landscaping plan to be submitted for review by the Planning Commission, and approved by the Planning Director.
  - c. Except to protect the public safety, avoid property loss, or provide for required parking, all major trees forward of the building setback line may be required for preservation if their removal would diminish the character of the neighborhood as determined by the Planning Director.
- Noise impact and abatement studies may be required to determine potential impact on adjoining properties and neighborhoods.

**4-8.2a Provisions for Modifying Area Regulations.** The Town Council may approve, in conjunction with the approval of a special use permit, the waiving of the minimum area regulations for installation of treatment plants, water storage tanks, major transmission lines or

pipelines, pumping or regulator stations, communication towers, storage yards and substations and cable televisions facilities and accessory buildings, but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
2. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties.
3. Such modification shall be approved only if the remaining provisions of this Ordinance can be met.
4. In no case shall any building be located closer to any lot line than a distance equal to the height of the building, as measured to its highest point.
5. If the lot is accessed by a private access way, a permanent easement shall be established to guarantee access to the utility.
6. The lot area is sufficient to operate the utility. (Amended by Council 11-12-97)

**4-8.3 Town Council Review.** The Town Council shall consider the recommendations of the Town Planning Commission before granting or denying approval of a special use permit.

**4-8.4 Planning Commission Review.** Upon review of the application and supporting data, the Planning Commission shall make its recommendation to the Town Council as to whether the application complies with the spirit and intent of the special use provisions in the particular district, including verification that the use is specifically authorized within the district.

**4-8.5 Planning Commission Hearing.** Before submitting its recommendation to Town Council, the Planning Commission shall hold a public hearing which may be a joint public hearing with the Town Council, after notice as required by Section

15.1-431 of the Code of Virginia, as amended. Following the public hearing, the Commission shall forward its recommendation to the Town Council.

**4-8.5a Modifications to the Application or Conditions.** After the Planning Commission has made its recommendation to the Town Council, should the application be modified, or additional conditions be offered by the applicant, then a second public hearing shall be held by the Planning Commission before the modified application can be heard by the Town Council. The applicant shall be responsible for paying any additional legal advertising fees required for a subsequent public hearings before the Planning Commission and the Town Council.

However, should additional information or modified conditions be submitted by the applicant after the Planning Commission has made its recommendation to the Town Council, which modifications or conditions were discussed at the public hearing before the Planning Commission, then a second public hearing before the Planning Commission shall not be required. (amended by Council 2/13/96)

**4-8.6 Town Council Hearing.** Before rendering a decision on a particular special use permit, the Town Council shall hold a public hearing which may be a joint public hearing with the Planning Commission, after notice as required by Section 15.1-431 of the Code of Virginia, as amended.

**4-9 Sketch Plan Requirements.** In order to facilitate an early understanding of potential substantive and administrative problems, a preliminary sketch plan shall be submitted to the Planning Director for review and comment prior to submittal of a formal application for a rezoning, a special use permit, a cluster development, or a Planned Unit Development. The preliminary sketch plan shall be drawn approximately to scale and shall generally include the following information, as applicable:

- Justification for request.
- Area requested for each use if more than one use is planned, and anticipated phasing.
- Topography at no greater than ten (10) foot contour interval.
- Proposed density of population, number of units and types of units in all residential areas.
- Plan of community facilities.
- Plan of utilities.
- Plan of open space.

This preliminary sketch plan is to be distinguished from the preliminary plat required by the Subdivision Ordinance and the Site Development Plan required by Article 27, both of which may also be subsequently required.

**4-10 Construction Already Commenced.** Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this Ordinance. However, such construction must commence within thirty (30) days after this Ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this Ordinance for the district in which the operation is located.

**4-10.1** Twelve copies of the Final Plat shall be submitted to the Planning Director at least twenty-one (21) days prior to the scheduled meeting of the

Planning Commission and shall be forwarded by the Planning Director to the Planning Commission.

**4-11 Additional Authority.** In addition to the regulations and requirements herein contained concerning the administration of this Ordinance, the Zoning Administrator or Planning Director may establish reasonable additional administrative forms and procedures deemed necessary for the proper administration of this Ordinance.